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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/422,654 10/22/99 MATTHEWS

J 3797.84665

EXAMINER

TM02/0328

BANNER & WITCOFF LTD
1001 G STREET NW
WASHINGTON DC 20001-4597

HIYNH, B
ART UNIT

PAPER NUMBER

2173
DATE MAILED:

03/28/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

a

Office Action Summary

Application No.
09/422,654

Applicant
Matthews et al.

Examiner
Huynh-Ba

Group Art Unit
2173



☒ Responsive to communication(s) filed on Oct 22, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 40-48 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 40-48 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

BA HUYNH
PRIMARY EXAMINER

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2173

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 40-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 5,678,331 (Volk et al).

- As for claims 40, 43, 46: In an interactive television environment, Volk et al teach a method/system for highlighting a current selection comprising:

storage for storing a list of menu options (figure 1),

a display for displaying the list of menu options (col. 3, lines 41-48; col. 6, line 56 - col. 7, line 6), each option resides in a shape (figures 3, 5-6), one of said list being the current selection indicated by a focus frame (105, 105'),

a processor for determining which of said list of menu options is the current selection (col. 20, lines 19-20; col. 26, lines 2-5), for changing the size of said shape, and for controlling said display to display said changed shape surrounding said current selection (col. 20, lines 20-29). Changing the size of an object includes the reducing or enlarging the size of the object.

Volk et al fail to teach the enlarging the size of the option shape, however in light of Volk's

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teaching, it would have been obvious to one of skill in the art, at the time the invention was made, to implement the enlarging of the option shape. Motivation of the implementation is for the obvious reason that an enlarged shape stand out more clearly to the user, serving the purpose of highlighting better than an object with reduced size. Volk et al also fail to clearly teach that the menu is displayed in response to a start or a menu button, however implementation of displaying menu in response to a start button or a menu button is well known in the art of interactive TV and would have been obvious to one of skill in the art, motivation of the implementation is for providing user control for requesting the display of the menu.

- As for claims 41, 44, 47: The shape is a rectangle (figures 3, 5,6).

- As for claims 42, 45, 48: The processor alters the size of the shape by altering a register window size applied to the current selection (col. 26, lines 1-28; col. 27, lines 45-56).

Inquires

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 308-9051 may be used for formal communications or (703) 308-6606 for informal or draft communications. NOTE: A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huynh-Ba whose telephone number is (703) 305-9794. The examiner can normally be reached on Monday-Friday from 8.00AM to 4.30PM.

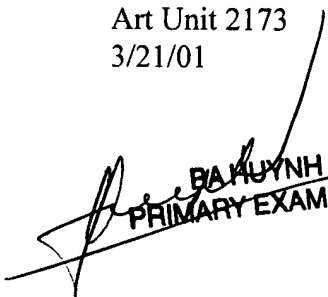
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703) 308-3116.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Huynh-Ba
Primary Examiner
Art Unit 2173
3/21/01


BA HUYNH
PRIMARY EXAMINER